UNITED STATES PATENT AND TRADEMARK OFFICE

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10/940,247	09/14/2004	Ali Saffari	IGT1P208FX1/P000888-035	6067

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EXAMINER
TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
08/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2010*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19,29,31-36 and 38-42* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-19,29,31-36 and 38-42* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *02/17/2010 and 05/19/2010*.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   The amendment and argument received on 05/19/2010 has been considered. It has been

noted that claims 15-19 have been amended.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill
> in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marnell, II

(US 5,393,057) in view of Vancura et al (US 2003/0181231) and Walker et al (US

2006/0211493).

Re claims 1 and 6: Marnell teaches a method for conducting at least one wagering game

and an associated progressive jackpot over a gaming network having a plurality of operatively

coupled gaming units at which a player may be awarded a progressive jackpot award from the

progressive jackpot, the method comprising: receiving a deposit of an amount of a medium of

currency by a player at a gaming unit; receiving input for a player's wager on an occurrence of a

wagering game at an input device of the gaming unit; subtracting the amount of the player's

wager on the occurrence of the wagering game from the player's available credit at the gaming

unit in response to receiving the input for the player's wager, wherein the player's available credit

corresponds to the amount of the medium of currency deposited at the gaming unit **(see col.4,**

lines 19,20,46-56; col.5, lines 39-55; col.6, lines 43-47); adding the deposited amount of

currency to the player's available credit at the gaming unit **(see col.4, line 63-col.5, line 4)**; displaying the player's available credit at the gaming unit, wherein the player's available credit is displayed as a number of credits, each credit having a corresponding monetary credit denomination such that the displayed number of credits multiplied by the credit denomination is equal to the monetary value of the player's available credit **(see col.2, lines 35-42)**; determining an outcome for the player for the occurrence of the wagering game **(see col.6, lines 14-27 and col.10, lines 7-26)**.

However, Marnell does not explicitly teach awarding a progressive jackpot award to the player in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to a gaming network maximum wager amount that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit of the gaming network; wherein at least two of the gaming units including a first gaming unit and a second gaming unit, the first gaming unit has a first maximum wager amount that a player is allowed to wager on an occurrence of the at least one wagering game, the second gaming unit has a second maximum wager amount that a player is allowed to wager on an occurrence of the at least one wagering game, wherein the first maximum wager amount is different than the second maximum wager amount.

Vancura et al teaches awarding a progressive jackpot award to the player in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is

equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's

wager on the occurrence of the wagering game to a gaming network maximum wager amount

that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit

of the gaming network **(see abstract; par.[0051])**; determining a gaming network maximum

wager amount / *maximum wager =5 coins* equal to a maximum between the maximum wager

amount allowed to be wagered at any of the gaming units / *the abstract as well as the description*

of the game explains that the game is a progressive game with plurality of terminals as depicted

in fig1, where fig.4 describes the various wagers, maximum wager allowed, and the ratio

associated with each gaming terminal for the individual gaming terminal involved with the

plurality of gaming terminals in the progressive game **(see fig.4, pars.[0048] and [0049])**. It is

obvious that the ratio described by fig.4 for an individual gaming terminal will be applicable to

every gaming terminal involved in the progressive game with plurality of gaming terminals.

Walker et al in par.[0111] teaches about the system and method for customizing games in

a gaming facility which includes options that permits the setting of limits for one or more

specific users and gaming machines, where these limits that can be set includes types of wagers

allowed, the maximum wager allowed per gaming machine, etc **(see par.[0111])**. The examiner

therefore points out that while Vancura does not explicitly teach these feature of different games

have different maximum wagers, the Walker et al reference teaches setting an option of

maximum wager per user and per gaming machine in a plurality of games .

Therefore it would have been obvious to one of ordinary skill at the time the invention

was made to incorporate the teaching of Vancura et al and Walker et al into the teachings of

Marnell. One would be motivated to do this so as to have a system where the award from the

progressive jackpot can be calculated in proportion with the player's wager, thereby making the progressive jackpot award predictable; and further obvious to provide various gaming machines with different maximum wagers so as to allow a gaming system where the player can have the option of the wager they choose to make; therefore making the player feel in control of their game and hence allowing the player enjoy the game.

4.   Claims 2,3,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marnell, II (US 5,393,057) in view of Vancura et al (US 2003/0181231) and Walker et al (US 2006/0211493) and further in view of Cannon (US 2002/0177483).

Re claims 2,3,7-9: The teachings of Marnell have been discussed above.

However, Marnell does not explicitly teach configuring plurality of gaming units to provide wagering game.

Cannon teaches configuring plurality of gaming units to provide wagering game **(see abstract; par.[0014]; claim 8)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cannon into Marnell. One would be motivated to do this so as to have a system where the multiple gaming units involved in the progressive game can be configured together to allow communication within the gaming system, thereby allowing multiplayer progressive game.

5.   Claims 4,5,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marnell, II (US 5,393,057) in view of Vancura et al (US 2003/0181231) and Walker et al (US 2006/0211493) and further in view of Walker et al (US 6,142,872).

Re claims 4,5,10,and 11: The teachings of Marnell have been discussed above.

However, Marnell does not teach determining a maximum progressive jackpot award that may be awarded to a player for the occurrence of the wagering game, wherein the maximum progressive jackpot award is equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to the gaming network maximum wager amount; and displaying the maximum progressive jackpot award amount at the gaming unit after receiving the input for the player's wager and before determining the outcome for the player for the occurrence of the wagering game.

Walker et al teaches determining a maximum progressive jackpot award that may be awarded to a player for the occurrence of the wagering game **(see col.1, lines 37-54)**; and displaying the maximum progressive jackpot award amount at the gaming unit after receiving the input for the player's wager and before determining the outcome for the player for the occurrence of the wagering game **(see col.6, lines 42-44)**.

Vancura et al teaches awarding a progressive jackpot award to the player in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to a gaming network maximum wager amount

that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit of the gaming network **(see abstract; par.[0051])**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walker et al into Marnell. One would be motivated to do this so as to have a system whereby the highest amount of progressive jackpot award can be determined and displayed in order to provide the player with the expected outcome from the game and hence keeping the player interested in the game.

6.   Claims 12,13,15-19,29,31-36, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt et al (US 5,275,400) in view of Vancura et al (US 2003/0181231) and Olsen (US 6,110,043) and further in view of Torango (US 2005/0143168).

Re claims 12,29, and 36: Weingardt et al discloses a method for conducting a wagering game and an associated progressive jackpot over a gaming network, comprising: providing a progressive jackpot pool having a main pool and a reserve pool/ *one or various progressive pools all associated and related with the progressive jackpot* **(see col.5, lines 23-33)**; receiving a deposit of an amount of a medium of currency by a player at a gaming unit of the gaming network; receiving input for a player's wager on an occurrence of the wagering game at an input device of the gaming unit **(see col.13, lines 1-15)**; calculating a predetermined portion of the player's wager to be added to the progressive jackpot pool; automatically calculating a main pool funding amount, wherein the main pool funding amount is equal to a percentage of the predetermined portion of the player's wager, wherein the percentage of the predetermined portion is determined based on the current main pool amount, and wherein the percentage is determined

automatically by the gaming network; multiplying the predetermined portion of the player's wager by a first percentage in response to determining that the main pool amount is less than the desired minimum jackpot amount; and multiplying the predetermined portion of the player's wager by a second percentage in response to determining that the main pool amount is greater than the desired minimum jackpot amount **(see col.1, lines 53-61)**; adding the main pool funding amount to the main pool amount; and adding the predetermined portion of the player's wager minus the main pool funding amount to the reserve pool amount **(see col.1, lines 38-52 and col.12, lines 3-8)**.

However, Weingardt et al does not explicitly teach awarding a progressive jackpot award to the player in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to a gaming network maximum wager amount that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit of the gaming network; storing a desired minimum jackpot amount for the main pool at the gaming network; comparing the main pool amount to the desired minimum jackpot amount.

Vancura et al teaches awarding a progressive jackpot award to the player in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is equal to at least a portion / *fraction* of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to a gaming network maximum wager

amount that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit of the gaming network **(see abstract; fig.4; par.[0051])**.

Olsen teaches storing a desired jackpot amount for the main pool at the gaming network; comparing the main pool amount to the desired jackpot amount **(see col.2, lines 31-41)**.

Torango teaches a progressive gaming system where the system periodically computes current prizes using various data acquired from each gaming device **(see abstract)**. Further Torango shows and defines contribution percent which is a percent value associated with a progressive prize where based on certain event conditions, the financed amount are computed by multiplying the wagers amounts made towards a prize. Torango also explains that these event conditions could be any condition either outside the set of normal incidents or is a normal incident all based on the design choice of the invention **(see pages 3 and 4)**. Where examiner believes the conditions events could be events such as determining that main pool is greater that a minimum jackpot amount as claimed in claim 12, or when the transfer amount is less that zero. Etc

Therefore it would have been obvious to one of ordinary skill at the time the invention was made to incorporate the teaching of Vancura et al into the teachings of Weingardt et al. One would be motivated to do this so as to have a system where the award from the progressive jackpot can be calculated in proportion with the player's wager, thereby making the progressive jackpot award predictable.

Re claims 13,15-19,31-35, and 38-42: Weingardt et al teaches multiplying the predetermined portion of the player's wager by a first percentage in response to determining that

the main pool amount is less than the desired minimum jackpot amount; and multiplying the predetermined portion of the player's wager by a second percentage in response to determining that the main pool amount is greater than the desired minimum jackpot amount **(see col.1, lines 53-61)**.

However, Weingardt et al does not explicitly teach storing a desired minimum jackpot amount for the main pool at the gaming network; comparing the main pool amount to the desired minimum jackpot amount.

Olsen teaches storing a desired jackpot amount for the main pool at the gaming network; comparing the main pool amount to the desired jackpot amount **(see col.2, lines 31-41)**.

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to incorporate the teachings of Olsen into Weingardt et al. One would be motivated to do this so as to have a progressive game system whereby jackpot amount are stored and compared based on the outcomes of the game so as to produce a payout to the players of the game. It is also obvious that if the jackpot is stored and compared, a minimum as well as a maximum jackpot amount can also be stored and compared.

7.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt et al (US 5,275,400) in view of Vancura et al (US 2003/0181231) and Olsen (US 6,110,043) and further in view of Torango (US 2005/0143168) and Potter et al (US 5,951,011).

Re claim 14: The teachings of Weingardt et al and Olsen have been discussed above.

However, they both do not explicitly teach wherein the first percentage is greater than the second percentage.

Potter et al teaches wherein the first percentage is greater than the second percentage **(see col.5, lines 50-66)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made this combination. One would be motivated to do this so as to have a system where the different wagers and payouts have different percentages for calculating them hence making the game more interesting since players make different wagers and get different outcomes every time they play.

Response to Arguments

8.   Applicant's arguments filed 05/19/2010 been fully considered but they are not persuasive.

In response to the applicant's argument that Walker et al '493 is not a prior art because it contains teachings not found in Walker '988, the examiner disagrees. The examiner points out that Walker '493 used as the prior art is good prior art because the limitation relied upon from par.[0111] that teaches permitting the setting of limits, where users can select types of wagers, can also be found in par.[0025] of Walker '988, which states that

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"In some embodiments a user may remotely select a betting system
 that limits his total number of wagers"
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Thereby showing that the limitation of allowing various wager selection options dates back to the Walker '988 filed in 2002.

In response to the argument that neither Weingardt not Vancura teach multiplying the wager based on determining that the main pool amount is greater than the minimum jackpot, the examiner points out that in addition to the teaching of Weingardt in col.1 that explains the machines are programmed to calculate payoffs in the wagering system based on changing odds,

etc, the Torango reference has also been introduced because explicitly explains that finance amounts are calculated by multiplying wager amounts by certain percentages based on event conditions which could be included in a set of normal incident or outside the set of normal incident, which examiner believes in this present invention could be conditions such as determining that main pool is greater that a minimum jackpot amount as claimed in claim 12, or when the transfer amount is less that zero. Etc. Further, Torango also explicitly teaches as mentioned in the office action that

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"Progressive prize award events may be triggered by random
events associated with play based on wagers made on gaming
devices or by the central system based on prize criteria
exceeding a boundary limit"
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Where the boundary limits are either main pool amount greater than or is less than the desired minimum jackpot amount, comparing transfer amount to zero, etc. Therefore, Torango explicitly teaches this feature of claim 12.

Further in response to the applicant's argument that Torango does not disclose the event condition for comparing a transfer amount with zero, the examiner disagrees by pointing out that first, par.[0159] of Torango explains the computation of how new percentage factors are calculated and further how the accumulated wagers are set to zero in order to update the prize's control data. Later in claim 29, Torango teaches how in order to determine the odd, a number is generated based on total wager amount, where from par.[0159] the accumulated/total amount has been set to zero, and then claim 29 further states comparing the number based on the amount of wager to the number based on the total wager amount.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-

1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Primary Examiner, Art Unit 3714